IN THE HIGH COURT UTTAKHAND AT NAINITAL.

Writ Petition No. 15 (S/S) 2007

Jagdish Chandra Pathak S/o Sri Fakir Dutt Pathak,
Principal, Adarsh Higher Secondary School,
Sanjay Nagar, Bindukhatta,
District Nainital. .....Petitioner.

Versus

1. District Education Officer, Nainital,
2. Joint Director Education, Kumoun Mandal, Nainital,
3. Addl. District Education Officer (Basic), Nainital,
4. Committee of Management,
   Adarsh Higher Secondary School,
   Sanjay Nagar, Bindukhatta,
   District Nainital. .....Respondents.

Sri Sudhir Singh, learned counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for the State/respondent nos. 1 to 3,
And Sri J.C. Belwal, learned counsel for the respondent no 4.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sudhir Singh, learned counsel for the petitioner, Sri N.P. Sah, learned Standing Counsel for the State/respondent nos. 1 to 3 and Sri J.C. Belwal, learned counsel for the respondent no. 4.

The petitioner who was working as Anshakalik Principal in Adarsh Higher Secondary School, Sanjay Nagar, Bindukhatta, district Nainital has challenged the order dated 22.09.2006 passed by the Manager of the Institution by which the petitioner who was working as Anshakalik Principal in the Institution was relieved from the post and further the order dated 12.10.2006, by which the petitioner was placed under suspension and Committee was constituted to enquire into the charges levelled against petitioner.

On 07.02.2007 the suspension order of the petitioner was stayed by this Court. On 15.02.2007, this Court has passed

further order that the order dated 7th Feb. 2007 shall remain operative till next date fixed, however the Committee of Management/respondent no. 4 is free to hold departmental inquiry and to take decision in the matter in accordance with law.

Today when the case was called out, learned counsel for the respondent no. 4 Sri J.C. Belwal brought to the notice of the Court the final order passed by the respondent no. 4 on 25th Feb. 2007, after holding inquiry against the petitioner.

Learned counsel for the respondent no. 4 has submitted that orders dated 25th Feb. 2007 and 22.09.2006 have been served upon the petitioner. On the other hand, learned counsel for the petitioner has made statement that the petitioner has yet not received the copies of the orders dated 25th Feb. 2007 and 22.09.2006. The respondents are directed to supply copies of the orders dated 22.09.2006 and 25th Feb. 2007 to the petitioner immediately.

Keeping in view the final order dated 25th Feb. 2007 passed by the respondent no. 4 which has been served upon the petitioner today in view of the statement made by learned counsel for respondent no. 4, this Court is of the opinion that the writ petition has become infructuous and, as such, is dismissed being infructuous. The petitioner is free to challenge the order, now passed by the Committee of Management. No order as to costs.

(M.M.Ghildiyal, J.)

March 6, 2007:
NCM: